



### **INITIAL DISCLOSURES**

If not already exchanged, the parties must serve the Rule 26(a)(1) initial disclosures on each other no later than March 28, 2011.

### **INITIAL PRETRIAL CONFERENCE**

An initial pretrial conference pursuant to Fed.R.Civ.P. 16 will not be scheduled at this time. However, if a party believes that a conference with the Court would be of assistance in resolving discovery or case management issues, the party should file a motion with the Court requesting a pretrial conference. The parties shall confer on the substance of any disputes prior to the filing of any motion for a pretrial conference.

### **DISCOVERY OF ELECTRONICALLY STORED INFORMATION (ESI)**

The parties shall conform to the principles set forth in the Addendum to this Order regarding the request for and exchange of ESI

### **STIPULATED ORDER REGARDING INADVERTENT PRODUCTION**

The Court encourages the parties to consider filing a proposed agreed order, pursuant to Fed.R.Civ.P. 26(c), that a party does not waive the attorney-client privilege or the attorney work-product privilege by inadvertently producing privileged or work-product documents.

### **RULE 12 MOTIONS**

*Twombly* motions (motions to dismiss for failure to state a claim) and motions for more definite statement generally lack merit and should be filed sparingly. Upon the filing of a motion to dismiss under Fed.R.Civ.P. 12(b)(6) or a motion for judgment on the pleadings under Rule 12(c), all discovery shall be stayed during the pendency of the motion. A party opposing the motion may file a motion seeking a lift of such a stay, specifying what discovery is necessary to respond to the Rule 12 motion.

### **MOTIONS FOR LEAVE TO AMEND PLEADINGS**

Parties filing motions after the deadlines in this section must show good cause.

The deadline for Plaintiffs to file a motion seeking leave to amend pleadings; or to join parties is May 13, 2011.

The deadline for Defendants to file a motion (1) to designate responsible third parties, pursuant to Texas Civil Practices & Remedies Code § 33.004(a); (2) seeking leave to amend pleadings; or (3) to join parties is May 27, 2011.

## **EXPERTS**

The deadline for a party seeking relief to identify and exchange expert reports pursuant to Fed.R.Civ.P. 26(a)(2) is July 12, 2011.

The deadline for a party to identify and exchange expert reports in support of its defenses pursuant to Fed.R.Civ.P. 26(a)(2) is August 12, 2011.

## **SUPPLEMENTATION**

The deadline for filing supplemental reports required under Fed.R.Civ.P. 26(e) is October 14, 2011.

## **WITNESS LIST, EXHIBIT LIST AND PRETRIAL DISCLOSURES**

The deadline for filing Rule 26(a)(3) disclosures is October 21, 2011.

The deadline for filing objections under Rule 26(a)(3) is October 28, 2011. Any objections not made will be deemed waived.

## **COMPLETION OF DISCOVERY**

Written discovery requests are not timely if they are filed so close to the deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline.

The deadline for completion of all discovery is October 14, 2011.

## **ALTERNATIVE DISPUTE RESOLUTION (ADR) REPORT**

The deadline for filing an ADR Report as specified in TXWD Local Rule CV-88(b) is September 11, 2011. If a settlement is reached, the parties should immediately notify the Court so the case may be removed from the Court's trial docket.

## **PRETRIAL MOTIONS**

No motion (other than a motion in limine) may be filed after this date except for good cause. The deadline to file motions (including dispositive motions) is August 15, 2011. This deadline is also applicable to the filing of any summary judgment motion under Fed.R.Civ.P. 56 and any defense of qualified immunity. Leave of court is automatically given to file motions not to exceed 30 pages in length. With regard to motions for summary judgment, the response and reply deadlines set forth in Fed.R.Civ.P. 56 control in lieu of TXWD Local Rule CV-7(d) and (e).

## **JOINT PRETRIAL ORDER AND MOTION IN LIMINE**

The deadline to file a Final Joint Pretrial Order and any motion in limine is November 7, 2011.

All attorneys are responsible for preparing the Final Joint Pretrial Order, which must contain the following:

- (1) a short statement identifying the Court's jurisdiction. If there is an unresolved jurisdictional question, state it;
- (2) a brief statement of the case, one that the judge could read to the jury panel for an introduction to the facts and parties;
- (3) a summary of the remaining claims and defenses of each party;
- (4) a list of stipulated facts;
- (5) a list of contested issues of fact;
- (6) a list of the legal propositions that are not in dispute;
- (7) a list of contested issues of law;
- (8) a list of all exhibits expected to be offered. Counsel will make all exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before the final pre-trial conference. The exhibit list should clearly reflect whether a particular exhibit is objected to or whether there are no objections to the exhibit;
- (9) a list of the names and addressees of witnesses who may be called with a brief statement of the nature of their testimony;
- (10) an estimate of the length of trial;
- (11) for a jury trial, include (a) proposed questions for the voir dire examination, and (b) a proposed charge, including instructions, definitions and special interrogatories, with authority;
- (12) for nonjury trial, include (a) proposed findings of fact and (b) proposed conclusions of law, with authority;
- (13) the signatures of all attorneys; and

(14) a place for the date and the signature of the presiding judge.

**FINAL PRETRIAL CONFERENCE**

The Final Pretrial Conference shall be held on \_\_\_\_\_. Motions in limine, if any, will be heard on this date. Counsel should confer prior to this hearing on any issues raised in a motion in limine or the Joint Pretrial Order. Any party intending to use a demonstrative exhibit should provide the same to opposing counsel at least 3 days prior to the Final Pretrial conference so that if any objections or issues are raised about the demonstrative exhibit, they can be addressed at the final pretrial conference.

**TRIAL**

The Trial Date is \_\_\_\_\_.

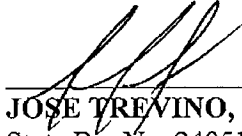
**REDACTION OF CERTAIN MATERIAL**

Counsel are reminded that, with regard to any paper that is filed, compliance with Fed.R.Civ.P. 5.2 is mandatory. Accordingly, counsel should ensure that appropriate redactions are made.

Signed on \_\_\_\_\_.

\_\_\_\_\_  
Xavier Rodriguez

APPROVED AS TO FORM AND CONTENT:



**JOSE TREVINO, JR.**

State Bar No. 24051446

ATTORNEY IN CHARGE

**RAY, VALDEZ, McCHRISTIAN & JEANS., P.C.**

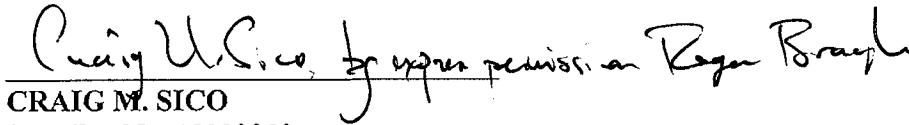
1250 N.E. Loop 410, Suite 700

San Antonio, Texas 78216

Telephone: (210) 341-3554

Facsimile: (210) 341-3557

**Attorneys for Defendants**



**CRAIG M. SICO**

State Bar No. 18339850

**SICO, WHITE, HOELSCHER & BRAUGH, LLP**

802 N. Carancahua, Suite 900

Frost Bank Plaza

Corpus Christi, Texas 78470

Telephone: (361) 653-3300

Facsimile: (210) 653-3333

**Attorneys for Plaintiffs**